IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.4357 of 2005

Shri Nayan Raichand Maishari ..petitioner
vs
The State of Mah & ors..Respondents

Mrs A.P.Madhuri for petitioner
Mrs Sushma Bhende AGP for State

CORAM: A.P.SHAH & J.H.BHATIA JJ.

Dated 8.7.2005

P.C:

. The petitioner is an owner of a heavy motor vehicle and registered with the R T O, Thane (Registration No. MH 04 F 2757). The vehicle was unauthorisedly been plied within the Municipal limits of the Municipal Corporation of Greater Mumbai and was detained by the office of the Regional Transport Officer at Thane. The plying of the vehicle in Mumbai is clearly in violation of the order passed by the Division Bench of this Court in Writ Petition No. l762 of l999 on 3rd March 2004 . We are constrained to take a serious note of the repeated violations of the orders of the Division Bench which are taking place. A large number of matters have come up before this court almost every week since the court resumed after the Summer Recess on 6th June 2005. Though initially

this court had directed the release of vehicle involved in violations of the order against the deposit of an amount of Rs.l0,000, the repeated violations that have been brought to the notice of the Court since then, have constrained us to direct that the amount that should be deposited should be suitably increased as a deterrent. We are of the view that unless a deterrent is imposed, the judgment of the Division Bench which is based on sound considerations of public interest and public health will be violated with impunity. In the facts of the present case; we direct a deposit of Rs.20,000 with the Chief Minister’s Relief Fund.

2. In these circumstances, this petition is disposed of by directing the petitioner to deposit with the Chief Minister’s Relief Fund an amount of Rs.20,000. The petitioner shall deposit this amount with the second respondent who shall, in turn, forward the amount to the Chief Minister’s Relief Fund. The petitioner shall file an undertaking before the second respondent that the vehicle shall not, hereafter,be plied within the municipal limits of Greater Mumbai. The second respondent shall subject to compliance with the aforesaid conditions release the vehicle only for one journey within the municipal limits of Greater

Mumbai so as to enable the petitioner to take the vehicle outside the municipal limits.

3. The petition is accordingly disposed of. There shall be no order as to costs.